

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

CLAYTON DEARDORFF, Register No. 522804,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 06-4052-CV-C-NKL
	)	
MICHAEL SNELLER, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On March 22, 2006, the United States Magistrate Judge recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on March 31, 2006. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

In his exceptions, plaintiff states he will be released in less than four months and his case should go forward because it will not be completed within that time. Plaintiff's case was filed prematurely. Plaintiff may refile his claims after he is released if he chooses to do so.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's March 22, 2006 Report and Recommendation is adopted [6]. It is further

ORDERED that plaintiff's claims are dismissed, without prejudice, pursuant to Heck v. Humphrey, 512 U.S. 477, 487 (1994).

/s/

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NANETTE K. LAUGHREY  
United States District Judge

Dated: April 23, 2006  
Jefferson City, Missouri